

REMARKS

Claims 1-4 and 6-9 have been examined and rejected under 35 U.S.C. § 103(a).

I. Rejection under 35 U.S.C. § 103(a) in view of U.S. Patent No. 5,610,635 to Murray et al. (“Murray”) and U.S. Patent No. 5,930,553 to Hirst et al. (“Hirst”)

The Examiner has rejected claims 1-5 and 9 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Murray in view of Hirst.

A. Claim 1

Claim 1 is not rendered obvious over Murray in view of Hirst. For example, claim 1 recites that, “the memory device further stores therein data related to an exchange, by a recycling operation, of a part of the used ink cartridge, and the part does not include ink.”

As set forth in the May 23, 2005 Amendment, even if the Examiner’s position in which a remanufacture date, in place of a manufacture date, would be stored in an ink cartridge memory when an ink cartridge is remanufactured is reasonable in view of the applied references, such a remanufacture date can be used to manage only ink that is refilled when the ink cartridge is remanufactured. That is, the remanufacture date can be used to manage the refilled ink and determine a useable period of the refilled ink, but the remanufacture date cannot be used to manage component parts of the ink cartridge and to determine reliability (durability) of the component parts because the periodical change (time-related change) of the component parts, such as deformation or dimensional change of the component parts, change of gas permeability of component parts, etc., lasts from an initial manufacture of the ink cartridge.

For this reason, according to the present invention, when an ink cartridge is recycled, not only is data stored in an ink cartridge memory device indicative of when the used ink cartridge was recycled, but additional data is also stored in an ink cartridge memory device related to an exchange of a part of the used ink cartridge by a recycling operation, so that those data can be effectively used when the recycled ink cartridge is further recycled.

In regard to Murray, the Examiner believes that the claimed “part” can be ink, such that an exchange of ink or refilling of ink would disclose the claimed “exchange of a part.” However, as recited in claim 1, the claimed part does not include ink. Further, the Examiner’s reference to Murray at column 3, lines 30-35 fails to relate to *recycling* operations. Accordingly, the ink data stored in the memory device 48 fails to suggest the features recited in present claim 1.

Since Hirst fails to cure the above-noted deficient teachings of Murray, Applicant submits that claim 1 is patentable, and therefore, respectfully requests the Examiner to reconsider and withdraw the rejection.

B. Claims 2-4 and 9

Claims 2-4 and 9 are patentable at least by virtue of their dependency on claim 1.

Also, the Examiner refers to claim 5. Since such claim was canceled in the May 23, 2005 Amendment, Applicant assumes that the reference to claim 5 is a typographical error.

II. Rejection under 35 U.S.C. § 103(a) in view of U.S. Patent No. 6,126,356 to Childers et al. (“Childers”) and Hirst

The Examiner has rejected claims 1, 2, 6 and 7 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Childers in view of Hirst.

A. Claim 1

Claim 1 is not rendered obvious over Childers in view of Hirst. As set forth in the May 23, 2005 Amendment, claim 1 was amended to incorporate the subject matter of claim 5. As claim 5 was not rejected under this combination of references, and the current Office Action fails to address the incorporated features, Applicants submit that claim 1 is patentable over the cited references.

B. Claims 2, 6 and 7

Claims 2, 6 and 7 are patentable at least by virtue of their dependency on claim 1 and such is earnestly requested.

III. Rejection under 35 U.S.C. § 103(a) in view of Murray, Hirst and U.S. Patent No. 5,506,611 to Ujita et al. (“Ujita”)

The Examiner has rejected claim 8 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Murray, Hirst and Ujita. However, since claim 8 is dependent upon claim 1, and Ujita fails to cure the deficient teachings of Murray and Hirst, in regard to claim 1, Applicant submits that claim 8 is patentable at least by virtue of its dependency.

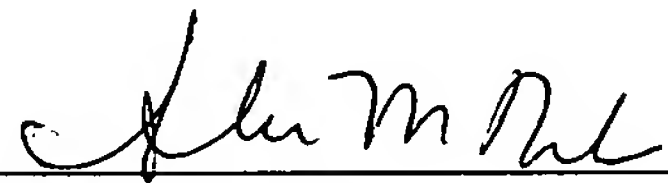
Amendment under 37 C.F.R. § 1.111
U.S. Application No. 10/710,297

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Allison M. Tulino
Registration No. 48,294

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: October 6, 2005